IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 9TH AUGUST 2007 / 18TH SRAVANA 1929

WP(C).No. 14307 of 2007(C)

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PETITIONERS:

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1. UNNIKRISHNAN C.S.,
'CHAITHANNYA', MUHAMMA P.O., ALAPPUZHA DISTRICT.

2. AMMINI AMMA,
'CHAITHANNYA', MUHAMMA P.O., ALAPPUZHA DISTRICT.

BY ADV. SRI.P.J.MATHEW

RESPONDENTS:

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1. THE REGISTRAR OF CO-OPERATIVE SOCIETIES,
THIRUVANANTHAPURAM.

2. THE JOINT REGISTRAR OF CO-OPERATIVE
SOCIETIES (G), ALAPPUZHA.

3. THE SPECIAL SALE OFFICER,
CO-OPERATIVE SECTOR AND INSPECTOR,
AGRICULTURAL DEVELOPMENT BANK, CHERTHALA,
ALAPPUZHA DISTRICT.

4. CO-OPERATIVE AGRICULTURAL RURAL
DEVELOPMENT BANK, REPRESENTED BY THE SECRETARY,
CHERTHALA, ALAPPUZHA DISTRICT.

R4 BY ADV. SRI.S.P.ARAVINDAKSHAN PILLAY
SMT.N.SANTHA
SRI.PETER JOSE CHRISTO
R1 TO R3 BY GOVT. PLEADER SRI. P.K. RAVIKRISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC. 14307/2007.

APPENDIX

PETITIONER'S EXTS:

EXT. P1 SERIES : TRUE COPY OF THE RECEIPTS ISSUED BY THE 4TH RESPONDENT BANK.

EXT. P2 : TRUE COPY OF THE AUCTION NOTICE ISSUED BY THE 3RD RESPONDENT DATED 1.3.2007.

**K.M.JOSEPH, J.**

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WP.(C) No. 14307 of 2007

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Dated this the 9th day of August, 2007

**JUDGMENT**

Petitioners took a loan. It was not repaid in full. They challenge Ext.P2 auction notice. The prayers in the writ petition are to set aside the auction sale conducted in pursuance of Ext.P2 and seeks to permit the petitioners to close the loan account under the one time settlement scheme.

2. Heard counsel for the fourth respondent.

3. As regards one time settlement scheme, it is submitted by the counsel for the fourth respondent that the petitioners had approached this court earlier and this court directed grant of one time settlement and the petitioners did not avail the benefit. Learned counsel for the petitioners submits that the petitioners may be permitted to pay the amount in ten instalments.

Having heard learned counsel for the petitioners and fourth respondent Bank, the writ petition is disposed of as follows:

Petitioners are permitted to pay the amount due with interest in seven equal monthly instalments. The fourth respondent will serve a

statement on the petitioners within two weeks from today showing the amount payable as instalment on the basis that they have to pay the amount in seven equal monthly instalments. Naturally the amount already paid by the petitioners as per the orders of this court will be given credit to by the Bank. The petitioners will pay the first instalment on or before 10.9.2007. The further instalments shall be paid on or before the 10th of the succeeding months. If any single instalment is not paid, the petitioners will lose the benefit of this judgment and it will be open to the fourth respondent to proceed against the petitioners in accordance with law.

(K.M. JOSEPH, JUDGE)

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